

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DEBRA L. BERRY, §
§
Plaintiff, §
§
V. § CIVIL ACTION NO. H-05-092
§
JO ANNE BARNHART, §
COMMISSIONER OF THE SOCIAL §
SECURITY ADMINISTRATION, §
§
Defendant. §

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

Pending in this appeal of an administrative decision is Defendant's Motion for Summary Judgment (Document No. 19) and Plaintiff's cross Motion for Summary Judgment (Document No. 21). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Plaintiff's Motion for Summary Judgment (Document No. 21) be GRANTED, and that this case be REMANDED to the Commissioner of Social Security for further proceedings. No objections have been filed to the Magistrate's Recommendation. The Court, after having made a *de novo* determination of Defendant's Motion for Summary Judgment, Plaintiff's cross Motion for Summary Judgment, and the Memorandum and Recommendation, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and entered on October 6, 2006, which is adopted in its entirety as the opinion of this Court, that Defendant's Motion for Summary is DENIED, Plaintiff's cross Motion for Summary Judgment is GRANTED, and this case is REMANDED to the Commissioner for further proceedings.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 28th day of November, 2006.


EWIN^G WERLEIN, JR.
UNITED STATES DISTRICT JUDGE